

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 4th day of November, 2014 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Brett Hales,	Council Chair – Conducted
Jim Brass,	Councilmember – Excused
Blair Camp,	Councilmember
Diane Turner,	Councilmember – Excused
Dave Nicponski,	Councilmember

Others who attended:

Ted Eyre,	Mayor
Jan Wells,	Chief Administrative Officer
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Craig Burnett,	Police Chief
Gil Rodriguez,	Fire Chief
Tim Tingey,	Administrative and Development Services Director
Citizens	

5. Opening Ceremonies

5.1 Pledge of Allegiance – Peter Busche

5.2 Approval of Minutes

5.2.1 October 21, 2014

Mr. Nicponski made a motion to approve the minutes

Mr. Camp seconded the motion

Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 None scheduled.

6. Citizen Comments (Comments are limited to 3 minutes unless otherwise approved by the Council.)

Carlyle Clark – 6074 South Fontaine Bleu Drive, Murray, Utah

Mr. Clark congratulated Murray and said thank you from all his neighbors on Fontaine Bleu drive and the cul-de-sac; Vine Street has been paved and is nice. It is no longer the worst street in the County.

Mr. Clark stated he had to ride his bike today down to Gordon Avenue, which is approximately 4100 South. He rode on Vine Street to 1300 East to 5600 South down 900 East, 4800 South, State Street and Main Street. All the streets, except 1300 East, have a white solid stripe.

Mr. Clark said he went out today and measured 1300 East. The inside lane, going north and south, is 12 feet wide. The outside lane to the gutter is 14 feet. There are 2 feet that could be used to put a bicycle lane in. There are two schools, Cottonwood High School and a grade school and some of the students ride their bikes to school. He said the City needs to put a solid white striped line on 1300 East.

Mr. Clark added you can bike down 900 East, which turns into 700 East all the way to almost the point of the mountain; all the streets are striped. In fact, in West Jordan and other places they have a line that you can park cars in but they have signs that say, “No parking, bikes only.” Mr. Clark said he is not asking for signage, just for a solid stripe on 1300 East in Murray. He was told that Murray City did the striping on 1300 East and they did not put a solid white stripe because they did not want bikers on 1300 East.

Billie Christiansen – 2823 East Loran Heights Drive, Salt Lake City, Utah

Ms. Christiansen spoke about Kayelyn Louder. She said Ms. Louder is big hearted, smart, loved by all who have met her, fun, educated and she chose to be a social worker because

of her compassion and love for people. Ms. Louder is missing and has been missing for six weeks. She was last seen on a surveillance camera leaving her condo in Murray on September 27, 2014 at 6:00 pm on a cold rainy night.

Ms. Christiansen stated the police have said there is no probable cause. Ms. Christiansen is speaking for Ms. Louder's family and friends. Ms. Louder did not just walk away on a rainy cold night – barefoot, in shorts, with no keys or money, no purse, no phone and especially without her beloved dog Phyllis.

Ms. Louder was not suicidal. The day she went missing she cleaned her condo, caught up her laundry, worked on her resume, and she had recently bought a new vacuum. She was working on a budget and planning her future. It also looked like she was expecting three guests that evening.

Ms. Christiansen continued saying that Ms. Louder was very afraid. The night before she went missing she made several 9-1-1 calls. After she was seen leaving her condo that night, she tried to open some of her neighbor's gates, but they were locked so she could not get to their condo doors. Then she ran away. She was soaking wet from the rain; she was afraid.

Ms. Christiansen said they appreciate the Murray City Police for their efforts on this. They also realize the police have limited resources and lots of cases to work. However, after six weeks of waiting, they are no closer to bringing Ms. Louder home. They are asking for help and support in getting more resources to help the police.

7. Consent Agenda

7.1 None scheduled.

8. Public Hearings

8.1 Public Hearing #1

8.1.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an Ordinance amending Section 17.148.020 of the Murray City Municipal Code relating to allowing as an accessory use pharmacy drive-up exterior transaction windows in the Hospital (H) Zoning District. (Intermountain Health Care)

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey stated this item was considered by the Planning Commission for a recommendation to be forwarded to them on September 4, 2014.

There was a previous Public Hearing related to this issue (Attachment 1).

The hospital, Intermountain Healthcare, submitted an application for a modification to the City's Zoning Ordinance. The modification is within the Hospital Zoning District, which the City only has one, there would be an amendment that would allow drive-up transaction windows and signs; primarily for prescriptions.

The Planning Commission considered this and staff recommended approval. Staff feels this is an appropriate change for the City's Ordinance and will allow the accessory use and define that in the Code. Previously the code allowed concession or other services, which that would fall under, but did not allow a drive-up window; it had to be all internal. Mr. Tingey reiterated that both staff and the Planning Commission are recommending approval of this Ordinance.

Mr. Camp stated that Mr. Tingey said it was primarily for prescription pickup. He asked if this could open it up for other uses.

Mr. Tingey replied it would not. It is defined in the Ordinance as prescription pharmacy drive-up and exterior transaction window only.

Public Hearing Open for Public Comment

No public comments given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Mr. Camp made a motion to adopt the Ordinance
Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

<u>A</u>	Mr. Nicponski
<u>A</u>	Mr. Camp
<u>A</u>	Mr. Hales

Motion passed 3-0

8.2 Public Hearing #2

8.2.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an Ordinance related to land use; amends the General Plan from Residential Single-Family Low Density to Commercial Retail and amends the Zoning Map from R-1-8 to C-N-C for the property located at approximately 911 East 5700 South, Murray City, Utah. (Wayne Hessheimer)

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey stated this item was considered by the Planning Commission on September 4, 2014. The application is for a zoning change from R-1-8, (Residential Low Density) to a C-N-C Zone (Commercial Neighborhood Conditional) Mr. Tingey showed the Council a PowerPoint presentation (Attachment 2).

Mr. Tingey stated that R-1-8 allows for residential uses where a C-N-C Zone, of which there are a number of further south along 900 East that are in place, allows for low-density type retail and commercial uses.

Mr. Tingey showed the property in question stating there is a strip mall across the street to the west that is zoned C-D-C (Commercial Development). It is a retail zone that is in place across the street. He added the interesting thing about this property, and there have been other properties where there have been proposals along arterial streets for R-N-B (Residential Neighborhood Business) zone changes. Primarily with those properties, you have access that is directly on 900 East. This is a residential neighborhood and the access is on to these residential streets rather than coming straight onto 900 East.

Mr. Tingey reiterated there is a C-D-C zone across the street. He showed where the R-1-8 zone was. The property is a residential use right now. The future land use in the General Plan is designated for this area to stay R-1-8, residential. It was never contemplated for it to move to a commercial use.

Mr. Tingey stated staff has recommended denial for both the General Plan amendment and the zone change. The Planning Commission deliberated and had the Public Hearing. They also forwarded a recommendation of denial of this. Mr. Tingey is also recommending denial of this request.

Mr. Hessheimer said he wanted to address the hours of the drive-up windows. They are open all night and they can hear loud noises and arguments. The way they designed the Del Taco, the headlights are in his front window as they go to the order window. The same thing goes for Wendy's, the lights hit the side of his house. If they could change that, it would be helpful.

Mr. Hessheimer stated that just last month, there was an armed robbery at Subway just across the street. It is getting a little bit concerning. If something could be changed it would be helpful; especially the late night hours.

Mr. Camp asked Mr. Hessheimer how a zone change would solve those issues he mentioned.

Mr. Hessheimer replied the house is unsalable as it is. Something else on that corner would be more compatible. They could make access from 900 East if they tore the building down when they do it.

Public Hearing Open for Public Comment

No public comments given.

Public comment closed.

8.2.2 Council consideration of the above matter.

Mr. Nicponski made a motion to deny the Ordinance
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

<u> A </u>	Mr. Nicponski
<u> A </u>	Mr. Camp
<u> A </u>	Mr. Hales

Motion denied 3-0

8.3 Public Hearing #3

8.3.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an Ordinance enacting Chapter 17.79 of the Murray City Municipal Code relating to second kitchens in Single-Family Residential dwellings.

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey said this is something staff has spoken to the Council about before in the Committee of the Whole meeting. There have been a number

of individuals over several years that have had interest in placing a secondary kitchen in their home without the intention of renting it out. One of the big concerns that has come up in previous policy discussions was that if secondary kitchens were allowed in residential units that there would be a modification of the structure and the use and there could be a secondary dwelling that would be put in place

A few years ago, the Accessory Dwelling Unit Ordinance was passed by Council that allows for secondary units. Beyond that, there are many individuals that have needs for a secondary kitchen but do not have the intention of renting the space out.

Based on that, an Ordinance was drafted and that is what is being proposed tonight. It has gone to the Planning Commission. They provided some minor modifications to the wording which is reflected in the Ordinance that the Council has in front of them. They recommended approval of this Ordinance.

Mr. Tingey highlighted that this would be only for residences that are not proposing a secondary or accessory dwelling unit. They would be required to sign a restrictive covenant that states they will not rent it out if they are allowed to have a secondary kitchen. The residence would only have one primary entrance, one address, and one electrical meter. This is to make sure they are focused on a secondary kitchen for one single-family residence.

If there is an accessory dwelling, the City would not allow for another kitchen which could mean three kitchens in the dwelling. All of this are development standards to address this. Staff feels this Ordinance would be suitable for the needs of the residents who want secondary kitchens. They are recommending approval of this Ordinance. Mr. Tingey reiterated the Planning Commission has also recommended approval.

Mr. Hales asked if a residence had children who wanted to live there but were not renting; would that be appropriate.

Mr. Tingey replied it is appropriate because they are related. It is defined in State law as well as the City's current ordinances that family members can live in a single dwelling. Even though they may be downstairs, they are family members, so that is not a problem.

Public Hearing Open for Public Comment

No public comments given.

Public comment closed.

8.3.2 Council consideration of the above matter.

Mr. Nicponski made a motion to adopt the Ordinance
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

<u> A </u>	Mr. Nicponski
<u> A </u>	Mr. Camp
<u> A </u>	Mr. Hales

Motion passed 3-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a Resolution adopting the regular meeting schedule of the Murray City Municipal Council for calendar year 2015.

Staff presentation: Brett Hales, Councilmember

Mr. Hales asked if there were any questions on the 2015 meeting schedule.

Mr. Camp stated he noticed the IPPA Conference does not conflict with any meetings.

Mr. Camp made a motion to approve the Resolution
Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

<u> A </u>	Mr. Nicponski
<u> A </u>	Mr. Camp
<u> A </u>	Mr. Hales

Motion passed 3-0

11. Mayor

11.1 Report

No Mayor's report was given.

11.2 Questions for the Mayor

12. Adjournment

Jennifer Kennedy, City Recorder

Attachment 1

IHC Health Services, Inc.

Hospital Zoning District (H) Zoning Text
Amendment to Section 17.148.020.C.

Proposed amendment to allow drive-up
transaction windows and signs.

C-D-C

R-M-15

LINDON WY

WOOD CIR

HILLSIDE DR

5770 S

STATE ST

BRIDLEWALK LN

H

R-1-8

20 E

AYRSHIRE DR

KERRY CIR

5900 S

G-O

FASHION BLVD

R-1-8

1-6

Attachment 2

Wayne Hessheimer

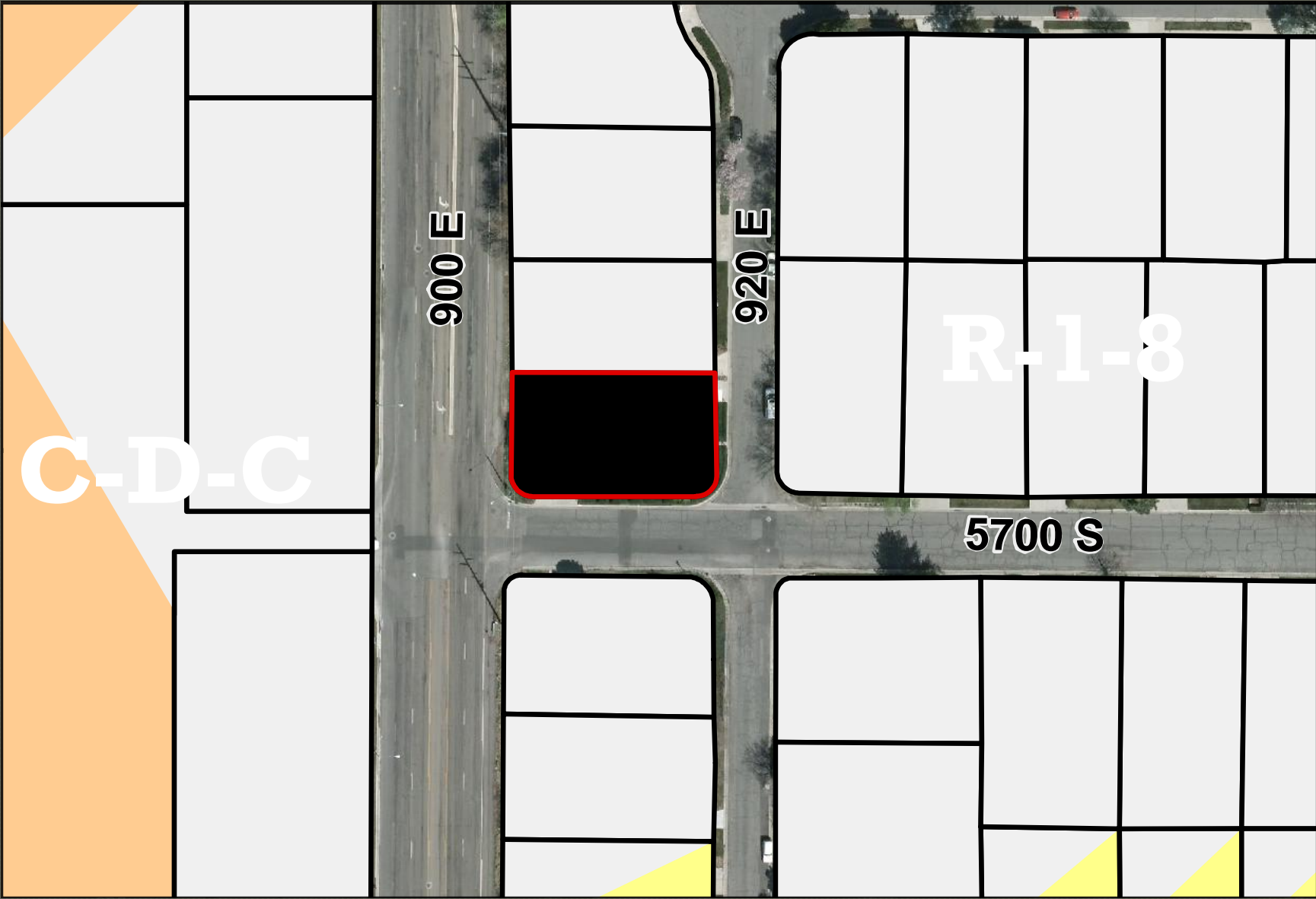
911 East 5700 South

Application to rezone property from R-1-8 (low density, single family residential) to C-N-C (commercial neighborhood conditional).

Purpose of C-N-C Zone:

To provide areas in appropriate locations where convenience buying may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of residential, retail, office and service facilities which in character and scale are necessary to meet day to day needs of area residents. (Ord. 07-30 § 2)





C-D-C

900 E

920 E

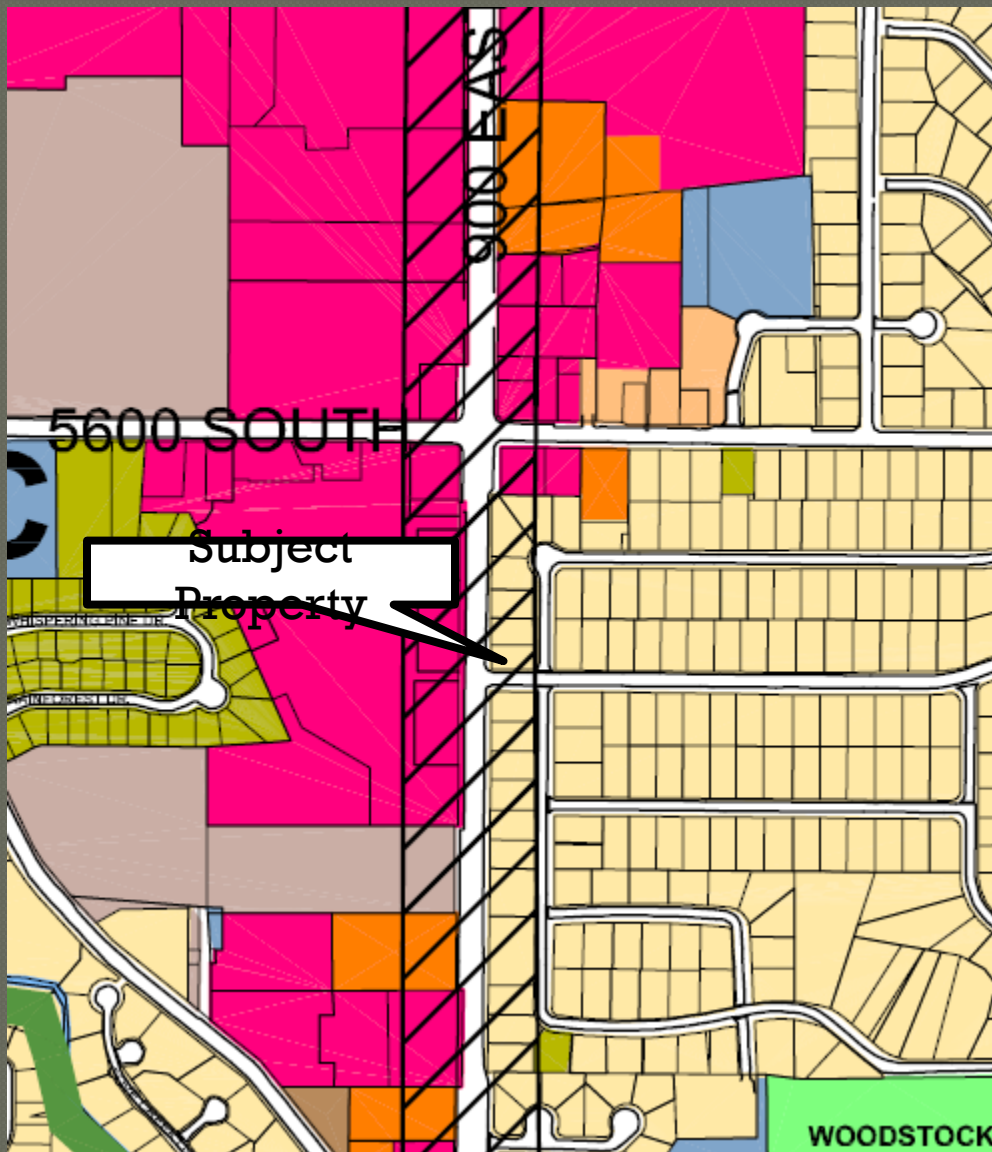
R-1-8

5700 S





Murray City General Plan Future Land Use



- RESIDENTIAL SINGLE FAMILY LOW DENSITY
- RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY
- RESIDENTIAL MULTI-FAMILY LOW DENSITY
- RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY
- RESIDENTIAL MULTI-FAMILY HIGH DENSITY
- MIXED USE
- RESIDENTIAL BUSINESS
- COMMERCIAL RETAIL
- OFFICE
- INDUSTRIAL
- PUBLIC- QUASI-PUBLIC (CHURCHES, SCHOOLS, GOVT.)
- MEDICAL
- PARKS AND OPEN SPACE
- CEMETERY
- TRANSPORTATION / UTILITY
- WATER PATH
- CHURCH
- SPECIAL PARKWAY DEVELOPMENT AREA (WINCHESTER/900 EAST)
- OPEN SPACE TRAIL CORRIDOR